



**SPECIAL CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, BABCOCK ROOM
JULY 26, 2016
6:30 PM**

Call to order

1. Further discussion/follow-up pertaining to the City advisory commission process from July 16, 2016.

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JULY 26, 2016
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the (1) Special City Council Worksession of July 12, 2016; (2) Regular City Council Meeting of July 12, 2016; and (3) Special City Council Meeting of July 16, 2016.

PRESENTATIONS

1. Recognition of:
 - State Senator Legislative District 63 Patricia Torres Ray
 - State Senator Legislative District 50 Melissa Wiklund

COUNCIL DISCUSSION

2. Hats Off to Hometown Hits

AGENDA APPROVAL

3. Approval of the agenda.
4. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of the approval of an amendment to the City's Zoning Ordinance. The proposed ordinance allows the City to "opt-out" of recently-adopted legislation related to temporary health care dwellings.
Staff Report No. 112
 - B. Consideration of the approval of the first reading of an ordinance amending Subsections 705.19, 715.15, 825.11, and 910.23 of the Richfield City code pertaining to the timing of the special assessment procedure.
Staff Report No. 113
 - C. Consideration of the approval of a first reading of the ordinance amending City telecommunication

regulations.

Staff Report No. 114

5. Consideration of items, if any, removed from Consent Calendar

OTHER BUSINESS

6. Consideration of the appointments to City advisory commissions.

Staff Report No. 115

CITY MANAGER'S REPORT

7. City Manager's Report

CLAIMS AND PAYROLLS

8. Claims and payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

9. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



CITY COUNCIL MINUTES
Richfield, Minnesota
Special City Council Worksession
July 12, 2016

CALL TO ORDER

The meeting was called to order by Mayor Pro Tempore Howard at 6:33 p.m. in the Bartholomew Room.

Council Members Debbie Goettel, Mayor (arrived 6:35 p.m.), Michael Howard; Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; and Cheryl Krumholz, Executive Coordinator.

Item #1

DISCUSSION REGARDING HENNEPIN COUNTY'S APPLICATION FOR PENN AVENUE RECONSTRUCTION (COUNCIL MEMO NO. 52)

Public Works Director Asher explained that Hennepin County has decided they will not include the portion of Penn Avenue north of 66th Street in their application for the Regional Solicitation of Federal Transportation Funds. She continued that this project is in direct competition to the City's submittal for the reconstruction of Lyndale Avenue.

Ms. Asher stated the City Council should decide whether or not they would like to continue support for the Penn Avenue project.

The City Council consensus was to continue support for the Penn Avenue project.

ADJOURNMENT

The worksession was adjourned by unanimous consent at 6:45 p.m.

Date Approved: July 26, 2016

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

July 12, 2016

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m. in the Council Chambers.

*Council Members
Present:*

Debbie Goettel, Mayor; Michael Howard; Edwina Garcia; Tom Fitzhenry; and Pat Elliott.

Staff Present:

Steven L. Devich, City Manager; Jay Henthorne, Public Safety Director; Jim Topitzhofer, Recreation Services Director; John Stark, Community Development Director; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Director.

PLEDGE OF ALLEGIANCE

The Civil Air Patrol Color Guard of the 130th Composite Squadron presented the new City of Richfield flag and led the audience in the Pledge of Allegiance.

OPEN FORUM

Mayor Goettel stated that several people had registered to speak at the Open Forum regarding the bandshell but, since it is an agenda item, it is not an item for discussion during Open Forum. She said the bandshell item is not a public hearing and the City Council Member presenting that item will decide on accepting testimony.

Susan Rosenberg, 6633 Thomas Avenue, announced the July 30 Richfield Beautiful Garden Tour.

Kathy Kline, 6312 Portland Avenue, spoke about respect of the City Council for hearing residents and referenced the bandshell.

Mayor Goettel stopped Ms. Kline's testimony stating the bandshell was not an item for discussion during the Open Forum.

APPROVAL OF MINUTES

M/Garcia, S/Howard to approve the minutes of the Regular City Council Meeting of June 28, 2016.

Motion carried 5-0.

Item #1	COUNCIL DISCUSSION <ul style="list-style-type: none">Hats Off to Hometown Hits
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The City Council acknowledged the success of the Fourth of July events.

Council Member Howard reported on a presentation to the Human Rights Commission by House of Prayer Pastor Ben Sandin, House of Prayer, regarding neighborhoods.

Mayor Goettel read a statement regarding the recent incidents in Baton Rouge, LA, Falcon Heights, MN, and Dallas, TX.

Item #2	COUNCIL APPROVAL OF AGENDA
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M/Garcia, S/Elliott to approve the agenda.

Motion carried 5-0.

Item #3	CONSENT CALENDAR
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- A. Consideration of the approval of a resolution granting site plan approval and variances to allow a conversion of the former Lariat Lanes bowling alley at 6320 Penn Avenue to office space. S.R. No. 105

RESOLUTION NO. 11219

RESOLUTION GRANTING APPROVAL OF A SITE PLAN AND
VARIANCES AT 6320 PENN AVENUE

This resolution appears as Resolution No. 11219.

- B. Consideration of the approval of the request for two separate Temporary On Sale Intoxicating Liquor licenses for the Minneapolis-Richfield American Legion Post #435, located at 6501 Portland Avenue South for their Bike Night Out events scheduled to take place on July 20, 2016 and August 17, 2016. S.R. No. 106
- C. Consideration of the approval of a resolution appointing election judges for the August 9, 2016 Primary Election and the November 8, 2016 General Election. S.R. No. 107

RESOLUTION NO. 11220

RESOLUTION APPOINTING ELECTION JUDGES FOR THE STATE
PRIMARY ELECTION OF AUGUST 9, 2016 AND THE GENERAL
ELECTION OF NOVEMBER 8, 2016

This resolution appears as Resolution No. 11220.

- D. Consideration of the approval of the award of a contract for the 2016 Sealcoat project to Pearson Brothers, Inc. in the amount of \$112,646.30 and authorization of the City Manager to approve changes in the construction contract up to \$100,000. S.R. No. 108
- E. Consideration of the approval of a resolution authorizing and directing the condemnation of certain real estate, easements and other rights and interests for the purpose of the

expansion of the parking lot serving the Richfield Municipal Liquor Store located at 6600 Cedar Avenue. S.R. No. 109

RESOLUTION NO. 11221

RESOLUTION A RESOLUTION AUTHORIZING AND DIRECTING THE CONDEMNATION OF CERTAIN REAL ESTATE, EASEMENTS, AND OTHER RIGHTS AND INTERESTS FOR THE PUBLIC PURPOSE OF EXPANDING THE PARKING LOT SERVING THE RICHFIELD MUNICIPAL LIQUOR STORE LOCATED AT 6600 CEDAR AVENUE

This resolution appears as Resolution No. 11221.

M/Goettel, S/Fitzhenry to approve the Consent Calendar.

Motion carried 5-0.

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #5	PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION REGARDING THE REMOVAL OF AN EASEMENT RELATED TO SIGHT LINES AT 76TH STREET AND THE ADJACENT RAILROAD TRACKS S.R. NO. 110
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Council Member Howard presented Staff Report No. 110.

M/Elliott, S/Howard to close the public hearing.

Motion carried 5-0.

M/Howard, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11222

RESOLUTION AUTHORIZING THE VACATION OF A PUBLIC EASEMENT AT APPROXIMATELY 76TH STREET AND PLEASANT AVENUE

Motion carried 5-0. This resolution appears as Resolution No. 11222.

Item #6	CONSIDERATION OF A RESOLUTION FOR SITE PLAN APPROVAL FOR A COMMUNITY BANDSHELL AT VETERANS MEMORIAL PARK S.R. NO. 111
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Council Member Garcia presented Staff Report No. 111.

Community Development Director Stark explained the land use approvals that were granted in 2015 and the only change since then is the relocation and reorientation of the bandshell. He

stated the zoning ordinance and Comprehensive Plan requirements are met and there are no inconsistencies. He added the Planning Commission agrees that requirements have been met.

Recreation Services Director Topitzhofer explained the rationale for the change in location and re-orientation of the bandshell.

Mr. Topitzhofer also explained the noise study and sound monitoring process. He stated the outcome of the noise study would be presented to the City Council.

Council Member Howard expressed support for the sound study and respect for the neighborhood with noise monitoring. He stated not a whole lot had changed with the bandshell and no new City funds were being used.

Council Member Garcia stated the bandshell is community driven, Veterans Park is a community park not a neighborhood park, and the proposed bandshell at the former Lyndale Gardens site is not meant to be a community-wide amenity due to parking issues when the housing component is completed.

Council Member Fitzhenry expressed the concerns of the Richfield residents on the eastside and that the Noise Oversight Committee, of which he is a member, believes the bandshell is a non-compatible use with airport noise.

Mayor Goettel stated that fundraising efforts are going well.

M/Garcia, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11223

RESOLUTION GRANTING APPROVAL
OF A SITE PLANT TO ALLOW A COMMUNITY BANDSHELL
AT VETERANS MEMORIAL PARK

Motion carried 4-1. (Fitzhenry oppose) This resolution appears as Resolution No. 11223.

Item #7	CITY MANAGER'S REPORT
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None.

Item #8	CLAIMS AND PAYROLLS
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M/Elliott, S/Goettel that the following claims and payrolls be approved:

U.S. Bank		07/12/16
A/P Checks: 251208-251565	\$	4,409,868.62
Payroll: 120051-120425, 42456		655,967.88
TOTAL	\$	5,065,836.50

Motion carried 5-0.

OPEN FORUM

None.

Item #14	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 7:52 p.m.

Date Approved: July 28, 2016

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Meeting Advisory Board/Commission Applicant Interviews

July 16, 2016

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 8:42 a.m. in the Babcock Room.

ROLL CALL

MEMBERS PRESENT: Debbie Goettel, Mayor; Pat Elliott, Michael Howard; and Edwina Garcia.

MEMBERS PRESENT: Tom Fitzhenry.

INTERVIEW OF APPLICANTS

The City Council conducted interviews of the following applicants for appointment to City Advisory Boards and Commissions:

Taylor Croissant	Marco Lanz	Hadiya Baker
Will Ruckel	Jennifer Anderson	Jack Wold
Karin Wolverton	Anne Basso	Carrie Chillman
Dan Smieja	Danielle Indovina Cawley	

ADJOURNMENT

The meeting was adjourned by unanimous consent at 10:26 a.m.

Date Approved: July 26, 2016.

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



STAFF REPORT NO. 112
CITY COUNCIL MEETING
7/26/2016

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
7/21/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
7/21/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an amendment to the City's Zoning Ordinance. The proposed ordinance allows the City to "opt-out" of recently-adopted legislation related to temporary health care dwellings.

EXECUTIVE SUMMARY:

Legislation allowing certain types of recreational vehicles to be used as "temporary family dwellings" was signed into law in May of this year. The stated purpose of the law is to provide transitional housing for seniors although the law does not limit the housing to seniors, but rather allows anyone in need of assistance with two or more "instrumental activities of daily life" to be housed in this manner. The law creates a new type of permit, a "temporary conditional use permit" that allows this type of housing for up to six months, with an option to extend the permit by an additional six months. The law gives cities only 15 days to make a decision on granting the permit, as opposed to the typical 60 days.

The League of Minnesota Cities ("League") and City staff opposed this legislation for a number of reasons:

- Cities should be allowed to make decisions related to density and accessory dwellings units/structures at a local level.
- The varied characteristics of cities make it inappropriate to adopt one-size-fits-all land use regulations that will impact the character of neighborhoods.
- The City of Richfield allows accessory dwelling units in a variety of forms. Individuals wishing to accommodate an aging senior have a legal, City-sanctioned way to do so.
- Adopted legislation allows for only one occupant of the temporary health care dwelling unit. It seems unsafe and inconsistent with an urgent need for temporary housing to place a person with medical and/or physical impairments alone in housing unit. Minnesota winter conditions could also pose a threat to impaired individuals living alone in a temporary structure.
- The combination of an accessory dwelling unit plus a temporary family health care dwelling on Richfield lots would create overcrowding issues that could be detrimental to the surrounding neighborhood.
- The adopted permit process puts city staff in the place of having to request medical and legal documents. The City of Richfield does not want to be in this position.
- The adopted timeline is far too short.

As a result of strong City and League opposition, the adopted bill does allow cities to "opt-out" of this

legislation. Unless cities choose not to participate by passing an "opt-out" ordinance, the law requires cities to start issuing permits for temporary dwellings on September 1st. The League has drafted the attached model Ordinance to assist cities in this process.

It is the opinion of City staff and legal counsel that the Council should adopt the attached Ordinance opting out of these requirements. Staff believes that adequate provisions to allow for both temporary and longer term assistance for family members with health issues already exist in our ordinances.

RECOMMENDED ACTION:

By motion: Approve a first reading of the Ordinance opting out of the requirements of Minnesota Statutes, Section 462.3593.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See Executive Summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

See Executive Summary

C. CRITICAL TIMING ISSUES:

Cities must specifically opt out of the law or begin issuing permits for qualified applicants on September 1, 2016.

D. FINANCIAL IMPACT:

N/A

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on July 25, 2016.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with State and Local requirements.
- If this reading is approved, a second reading of the proposed Ordinance will be held on August 23, 2016.

ALTERNATIVE RECOMMENDATION(S):

- Do not adopt the ordinance; allow the legislation to take effect on September 1, 2016.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Ordinance	Ordinance
□ Amended MN Statutes, Section 144D.01, Subd. 4	Exhibit

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO
OPT-OUT OF THE REQUIREMENTS
OF MINNESOTA STATUTES, SECTION 564.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, Subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY OF THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 509.09 of the Richfield City Code relating to accessory buildings is amended to read as follows:

Subsection 509.09. Accessory buildings.

Subdivision 1. Construction of accessory buildings. No accessory building shall be constructed prior to the time of construction of the principal building on any residential lot, including commercially zoned lots used for residential purposes.

Subd. 2. Building separation. The required setback between an accessory building and any other building on the lot shall be determined by Section 400 of the city code.

Subd. 3. Eave projection. The roof overhang (eave projection) for accessory buildings shall not be located closer than two (2) feet from any lot line.

Subd. 4. Relationships to principal building. No accessory building on any lot, except through lots, shall be situated forward of the front building line of the principal building. In the case of a through lot, no accessory building shall be located within 30 feet of the lot lines abutting either street unless otherwise noted.

Subd. 5. Lot coverage and height. No accessory building shall be greater in lot coverage or floor area than the principal building, or greater in height than the principal building.

Subd. 6. Opt-out of Minnesota Statutes, Section 462.3593. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Richfield opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Sec. 2. This Ordinance shall be effective immediately upon its passage and publication.

Passed by the City Council of the City of Richfield, Minnesota this 23rd day of August, 2016.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 111--S.F.No. 2555

An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. **Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; ~~or~~

(10) services for persons with developmental disabilities that are provided under

a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. [394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care

dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. Inspection. The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. Revocation of permit. The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. Fee. Unless otherwise specified by an action of the county board, the county may

charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. No public hearing required; application of section 15.99. (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. Opt-out. A county may by resolution opt-out of the requirements of this section.

Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for

six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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STAFF REPORT NO. 113
CITY COUNCIL MEETING
7/26/2016

REPORT PREPARED BY: Chris Regis, Finance Manager

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: None.

CITY MANAGER REVIEW: STEVEN L. DEVICH
7/21/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the first reading of an ordinance amending Subsections 705.19, 715.15, 825.11, and 910.23 of the Richfield City code pertaining to the timing of the special assessment procedure.

EXECUTIVE SUMMARY:

Within City Code subsections 705.19, 715.15, 825.11, and 910.23, there are date requirements relating to the special assessment process that require the City Clerk to list the total unpaid charges against each separate lot or parcel to which they are attributable.

These date requirements can have the effect to restrict the process of the special assessment procedure. With certain current service assessments, the properties and costs proposed to be assessed is sometimes not known until after the required date. In addition, State Statutes are silent as to the date by which a list of properties to be assessed is required.

By removing the date requirement, this will provide a certain level of flexibility within the special assessment process and bring these City Code sections in line with State Statutes.

RECOMMENDED ACTION:

By Motion: Approve the first reading of an ordinance amending Subsections 705.19, 715.15, 825.11, and 910.23 of the Richfield City Code relating to the timing of the special assessment procedure and schedule a second reading for August 23, 2016.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Sections 705.19 and 715.15 of the City Code authorizes the City to assess the cost of unpaid utility bills against the involved property.
- Section 825.11 of the City Code authorizes the City to certify unpaid charges for current services as a special assessment against the involved property.

- Section 910.23 of the City Code authorizes the City to assess the cost of tree abatement against the involved property.
- Minnesota State Statute Chapter 429 outlines the special assessment process to be followed. State Statute does not set a date by which a City must produce a list of properties to be assessed.

C. **CRITICAL TIMING ISSUES:**

None.

D. **FINANCIAL IMPACT:**

- There is no financial impact with the proposed ordinance change.

E. **LEGAL CONSIDERATION:**

- The City Attorney has drafted the proposed changes in the ordinance.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proposed Ordinance	Ordinance

BILL NO. _____

**AN ORDINANCE AMENDING SUBSECTIONS 705.19, 715.15, 825.11 AND 910.23 OF
THE RICHFIELD CODE OF ORDINANCES RELATING TO CERTIFICATION OF
ASSESSMENTS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 705.19 of the Richfield City Code is amended as follows:

705.19. - Collections.

Charges of sewer and water service are due on the quarterly due date specified by the City for the respective account and shall be delinquent 15 days thereafter. It is the duty of the City to endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, all delinquent accounts shall be certified to the City Clerk who shall prepare an assessment of the delinquent amounts against the properties served. To each account there shall be added a certification charge (preparation for certification of taxes of delinquent accounts) in the amount provided for in appendix D. The assessment roll shall be delivered to the Council for adoption ~~on or before October 1st~~ of each year. The action may be optional or subsequent to taking legal action to collect delinquent accounts. The certification charge, when collected, shall be allocated equally between the City's water fund and its sewer fund.

Section 2. Subsection 715.15 of the Richfield City Code is amended as follows:

715.15. - Delinquent water accounts.

Charges of water shall be due on the quarterly due date specified by the City for the respective account, and shall be delinquent 15 days thereafter. The City shall endeavor to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payments have not then been made, instructions shall be given to discontinue service by shutting off the water at the stop box. All delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. This assessment roll shall be delivered to the Council for adoption ~~on or before October 1~~ of each year. Such action may be optional or subsequent to taking legal action to collect delinquent accounts.

Section 3. Subsection 825.11 of the Richfield City Code is amended as follows:

825.11. Assessment of unpaid bills. ~~On or before September 1 of e~~ Each year, the clerk shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under this section. After notice and hearing as required by law, the council may spread the charges against the properties ~~benefited~~ receiving the services, as a special assessment for certification to the county auditor ~~director of property taxation and collection~~ along with current taxes. The certification may provide for the payment of the special

assessments the following year or in annual installments, not exceeding ten, as the council may determine in each case.

Section 4. Subsection 910.23 of the Richfield City Code is amended as follows:

910.23. Recovery of cost of abatement; liability and assessment.

Subdivision 1. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs.

Subd. 2. After notice and hearing, as provided in Minn. Stat. § 429.061 (which may be amended from time to time), the city clerk shall, ~~on or before September 1 next~~ following abatement of the nuisance, annually list the total unpaid charges against each separate lot or parcel to which the charges are attributable. The Council may then certify the charges against the property to the county auditor for collection along with current taxes the following year or in annual installments as the Council may determine in each case.

Sec. 5. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this ____ of _____, 2016.

By: _____
Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 114
CITY COUNCIL MEETING
7/26/2016

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
7/21/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
7/21/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a first reading of the ordinance amending City telecommunication regulations.

EXECUTIVE SUMMARY:

On September 8, 2015, the City Council adopted a one-year moratorium on the consideration of wireless telecommunication facilities and antennas in City, County, and State right-of-ways throughout the City. This moratorium was in response to inquiries about new "small cell" technology. The City had been approached by a company named Mobilitie, who was looking to install six new utility poles for small cell packages within the City right-of-way.

City staff believes that it is important to provide wireless communication access to the public. City staff also believes that it is possible to do so with fair and balanced regulations related to siting, screening, and operation of the wireless communication facilities. The proposed ordinance updates a number of definitions and the purpose and intent section. It also strikes language related to collocation in the public right-of-way. This language is proposed to be removed because the Zoning Ordinance is not intended to regulate the initial permitting and placement of structures within the public right-of-way. Section 802 of the City Code addresses right-of-way management and includes the City's policies related to permitting, placement, undergrounding, etc.

In regard to the previous inquiry by Mobilitie, the City Attorney has found that this particular company does not meet the definition of a telecommunications right-of-way user as defined by Minn. Statutes Section 237.162, Subd. 4 and therefore does not have a right under law, franchise, or ordinance to use the public right-of-way. The City may consider applications for right-of-way facilities by Mobilitie, but no inherent right exists.

RECOMMENDED ACTION:

By motion: Approve a first reading of the ordinance amending Subsection 544.25 of the City Code related to telecommunication towers and antennas.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See Executive Summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Ongoing review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purposes and that information is kept up-to-date.
- Clear language is important to both staff and our customers.

C. CRITICAL TIMING ISSUES:

The moratorium will expire August 23, 2016.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on July 25, 2016.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with State and Local requirements.
- Staff will provide a summary of comments from the public hearing as part of the report for the second reading of this ordinance.
- Staff will notify the Council of the Planning Commission's recommendation at this meeting and/or the second reading of this ordinance.
- A second reading of this ordinance is scheduled for August 23, 2016.

ALTERNATIVE RECOMMENDATION(S):

- Approve the attached ordinance with modifications.
- Reject the proposed ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Mart Tietjen, City Attorney

ATTACHMENTS:

Description	Type
▣ Ordinance	Ordinance

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE
REGULATIONS RELATED TO
TELECOMMUNICATION FACILITIES**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 507.07, Subdivision 4 of the Richfield City Code defining “antenna” is amended to read as follows:

Subd. 4. “Antenna.” ~~Any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a support structure, pole, light standard, building or other structure for the purpose of providing personal wireless services and its attendant base station. For purposes of this Section, “antenna” does not include “dish antenna.”~~Any exterior transmitting or receiving device mounted on a tower, monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. “Antenna” does not include either a “dish antenna” or a lightning rod.

Section 2 Subsection 507.07, Subdivision 99 of the Richfield City Code defining “public utility” is amended to read as follows:

Subd. 99. “Public utility.” Persons, corporations, or governments supplying gas, electric, transportation, water, or sewer, ~~or telecommunication service to the general public. Personal wireless telecommunication service facilities shall not be considered as public utilities.~~

Section 3 Subsection 507.07, Subdivision 96 of the Richfield City Code defining “personal wireless telecommunication service” is repealed.

Subd. 96. ~~“Personal wireless telecommunication service.” Licensed commercial wireless services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced mobilized radio (ESMR), paging, and similar services that are marketed to the general public.~~

Section 4 A new Subsection 507.07, Subdivision 130 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

Subd. 130. “Telecommunications Equipment.” Antennas and accessory/associated equipment such as wires, cables, generators, air conditioning units, and other equipment or facilities that are used in conjunction with telecommunication facilities and telecommunication equipment.

Section 5 A new Subsection 507.07, Subdivision 131 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

Subd. 131. “Telecommunications Facilities.” Any facility or location maintained by a commercial enterprise where telecommunications equipment or telecommunications tower is located.

Section 6 A new Subsection 507.07, Subdivision 142 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

Subd. 142. “Wireless telecommunications.” Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless Telecommunications services including, but not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging, and similar services that currently exist or may be developed.

Section 7 Subsection 544.25 of the Richfield City Code related to telecommunication towers and antennas is amended to read as follows:

Subdivision 1. [Purpose.] This section is intended to establish fair and balanced regulations related to the siting, screening, and operation of wireless telecommunication facilities and equipment in order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. This section recognizes that wireless communication systems provide a valuable service to the public but that they are not a public utility. The following regulations the Council finds that these regulations are necessary in order to:

- a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
- b) Minimize adverse visual effects of towers through careful design and siting standards;
- c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

d) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

Subd. 2. Permits. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the Department of Community Development and securing the required zoning and building permits.

Subd. 3. Exemptions. Permits are not required for: (Amended, Bill No. 2011-13)

i. Adjustment of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

ii. Antennae and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations. Temporary antennae shall be removed within 72 hours following installation.

Subd. 4. Submittal Requirements. The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons. In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information: (Added, Bill 2009-1)

a) A report from a qualified and licensed professional engineer which:

i. Describes the tower height and design including a cross section and elevation;

ii. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

iii. Describes the tower's capacity, including the number and type of antennas that it can accommodate;

iv. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

v. Includes an engineer's stamp and registration number; and,

vi. Includes other information necessary to evaluate the request.

b) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

c) Before the issuance of a building permit, the following supplemental information shall be submitted:

i. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and,

ii. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

d) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless the Director approves a time extension. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

Subd. 5. Towers in Residential Zoning Districts. Towers shall be allowed only in the following residentially zoned areas:

a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially zoned parcels.

b) Towers supporting commercial antennas and conforming to all applicable provisions of this Code shall be allowed only in the following residentially zoned locations:

i. Church sites, when camouflaged as steeples or bell towers;

ii. Park sites, when compatible with the nature of the park; and,

iii. Government, school, utility, and institutional sites, not including the public right-of-way.

Subd. 6. Collocation Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

a) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius (one half ($\frac{1}{2}$) mile search radius for towers under 120 feet in height, one quarter ($\frac{1}{4}$) mile search radius for towers under 80 feet in height) of the proposed tower due to one (1) or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

b) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least one (1) additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

Subd. 7. Tower Design Requirements. Proposed or modified towers and attached antennas shall meet the following design requirements.

a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b) Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.

Subd. 8. Tower Setbacks. Towers shall conform to each of the following minimum setback requirements:

a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

b) Towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower.

c) Towers shall not be located between a principal structure and a public street, with the following exceptions:

i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

ii. On sites abutted by public streets on all sides, towers may be placed within a side yard abutting a local street.

d) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

Subd. 9. Tower Height. The height of a telecommunication tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna.

a) In all residential property, the maximum height of any tower shall be 30 feet.

b) In all residential zoning districts other than designated residential property, the maximum height of any tower shall not exceed one (1) foot for each four (4) feet the tower is setback from designated residential property up to a maximum height of 75 feet.

c) In all nonresidential zoning districts, the maximum height of any tower shall not exceed one (1) foot for each two (2) feet the tower is setback from designated residential property up to a maximum height of 75 feet in nonindustrial zoning districts and 100 feet in industrial zoning districts.

d) In accordance with the Federal Communications Commission's preemptive ruling PRB1, towers and antennas erected for the primary purpose of supporting amateur radio communications may exceed the height restrictions of (3), above, but shall not exceed 65 feet in height.

e) In addition to the height limitations noted above, no tower shall be constructed or changed so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones of the MSP Zoning Ordinance.

Subd. 10. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

Subd. 11. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Subd. 12. Associated Equipment. Ground equipment associated with a tower or wireless telecommunications facility shall be screened by vegetative or other screening compatible with the surrounding environment if deemed necessary by the Director or designee. When associated ground equipment is housed in a building or structure, that

building or structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground equipment associated with a wireless telecommunications facility may be located on residentially used property only within a utility easement adjacent to the public right-of-way, except in the multifamily zoning districts where ground equipment associated with a wireless telecommunications facility may also be located within a code complying building or structure after receiving the approvals required by this Code.

Subd. 13. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the Director, provided the antennas meet the requirements of this Code, after submittal of 1) a site and building plan and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. Antennas shall be mounted on the facade of the building or penthouse structure unless the Director or designee determines that another antenna mounting location decreases the visual impact of the antennas. All roof-mounted equipment shall be screened from view.

Subd. 14. Antenna Design and Mounts. Applicants shall use antenna designs and mounts that minimize visual impact.

~~**Subd. 15. Collocation in the Public Right of Way.** Wireless telecommunication facilities and antennas may co-locate with existing poles or towers in the City, County, or State right of way within any zoning district.~~

Subd. 16. Maintenance and Inspections. Tower and antenna finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.

a) All towers may be inspected at least once each year by an official of the Building and Inspection Division to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Section.

b) Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner will notify the Building and Inspection Division that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

Subd. 17. Variances. The following standards apply to variance requests for towers, antennas, or wireless telecommunication facilities.

a) The City Council shall consider the following issues in addition to the variance findings required in Section 547.11 of this Code.

i. The viability of Code complying alternative locations for the proposed tower, antenna, or wireless telecommunication facility.

ii. The impacts of the tower, antenna, or wireless telecommunication facility at the proposed site relative to the impacts of the tower, antenna, or wireless telecommunication facility at a Code complying alternative location.

iii. The extent to which there is a significant gap in coverage surrounding the proposed tower, antenna, or wireless telecommunication facility or other evidence of inadequate service due to antenna location.

iv. The extent to which the proposed tower, antenna, or wireless telecommunication facility is the least intrusive, lowest impact design available.

v. The extent to which the height of the proposed tower, antenna, or wireless telecommunication facility could be reduced and still provides adequate coverage.

vi. The extent to which the size of the proposed accessory equipment could be reduced.

vii. The feasibility of placing the proposed accessory equipment underground.

b) The applicant shall pay the reasonable cost of the City retaining a qualified, independent radio frequency engineer to provide a professional opinion to the City Council if the Director or designee determines that an independent radio frequency engineer is needed to assist in consideration of these regulations.

Section 8 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2016.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 115
CITY COUNCIL MEETING
7/26/2016

REPORT PREPARED BY: Cheryl Krumholz, Executive Coordinator

DEPARTMENT DIRECTOR REVIEW: N/A

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: STEVEN L. DEVICH
7/21/2016

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the appointments to City advisory commissions.

EXECUTIVE SUMMARY:

In January 2016, the City Council made several appointments to the various City advisory commissions. However, there continued to be some vacancies following these appointments.

A mid-year advisory commission member recruitment was conducted in June 2016. The City Council accepted applications. A Special City Council Meeting was scheduled on July 16, 2016 to conduct interviews.

RECOMMENDED ACTION:

By motion: Approve the appointments to various City advisory commissions.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The historical context is fully contained in the Executive Summary.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- City advisory commissions were established by City ordinance or resolution.
- Applicant interviews are conducted at Special City Council meetings.

C. CRITICAL TIMING ISSUES:

- Applications were received and interviews were conducted on July 16, 2016.

D. FINANCIAL IMPACT:

- N/A

E. LEGAL CONSIDERATION:

- The July 16, 2016 Special City Council Meeting was posted in accordance with the open meeting law requirements.

ALTERNATIVE RECOMMENDATION(S):

The City Council could defer the appointments to a future City Council Meeting.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.

ATTACHMENTS:

Description	Type
📎 Vacancy List	Cover Memo

ADULT COMMISSION VACANCIES

	<u>Term Expires</u>
ADVISORY BOARD OF HEALTH	
_____	January 31, 2018
_____	January 31, 2019
_____	January 31, 2019
ARTS COMMISSION	
_____	January 31, 2018
COMMUNITY SERVICES COMMISSION	
_____	January 31, 2017
_____	January 31, 2018
_____	January 31, 2019
HUMAN RIGHTS COMMISSION	
_____	January 31, 2017
_____	January 31, 2018

YOUTH COMMISSION VACANCIES

	<u>Term Expires</u>
COMMUNITY SERVICES COMMISSION	
_____	August 31, 2017
FRIENDSHIP CITY COMMISSION	
_____	August 31, 2017
TRANSPORTATION COMMISSION	
_____	August 31, 2017
_____	August 31, 2017